

NRC INSPECTION MANUAL

ILPB

PART 9900: 10 CFR GUIDANCE

50.CFR

10 CFR 50

BYPRODUCT MATERIAL PRODUCED IN NON-POWER REACTORS

A. PURPOSE

To provide guidance regarding the regulatory responsibilities for byproduct material that has been removed from a non-power reactor.

B. BACKGROUND

Region IV, in a memorandum dated June 8, 1987, requested guidance regarding the regulatory responsibilities for byproduct material that has been removed from a non-power reactor. In response to this request, D. Crutchfield sent a memorandum to all Regions requesting comments with regard to this issue. Based on comments received, a draft proposed policy was written and Region comments received on the draft policy. The policy statement in this guidance section reflects the Region's inputs and is now made available for use by the Regions.

C. DISCUSSION

1. Generic guidance related to this issue is contained in Inspection Manual Chapter 2882, Appendices 1 and 2. Normally, material within a non-power reactor facility will generally be assumed to be possessed by the reactor licensee, unless there is prior documentation approved by NRC, or some other clear demonstration that the licensed material is covered under another license.
2. Consistent with #1 above, NMSS does not normally issue separate licenses which authorize possession of licensed material within an operating reactor facility. If a reactor facility license is silent with regard to possession of byproduct material, it should be amended. NRC normally exercises exclusive federal jurisdiction within operating reactor facilities.
3. All byproduct material which is to be inserted into a reactor, should be covered by the reactor license; byproduct material

which is removed from the reactor must be covered by the reactor licensee.

4. The facility boundaries for a non-power reactor are normally defined by the Safety Evaluation Report or Technical Specifications. In the absence of identifiable facility boundaries, the Regions should establish a

facility boundary with the licensee for compliance purposes, and the boundary should be specified in TS or FSAR.

5. As indicated in Manual Chapter 2882, Appendix 2, there are exceptions to the above guidelines, and specific cases can be complex. Questionable cases should be referred to Headquarters for resolution along with a proposed course of action.

Questions concerning this guidance or specific cases should be referred to the Project Director, Standardization and Non-Power Reactors, NRR.

D. REFERENCES

The guidance provided in this directive was extracted from a memorandum from D. M. Crutchfield, Director, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation for F. J. Congel, et al., dated March 8, 1988, Subject: Regulatory Responsibilities for Byproduct Materials in Non-Power Reactors and from a memorandum from D. M. Crutchfield to S. D. Ebnetter, et al., dated August 18, 1988, Subject: Licensee Condition for Byproduct Material to be Irradiated in a Non-Power Reactor, dated August 18, 1988. These memoranda are in the Document Control System, (DCS microfiche 44914/180 & 46836/259).

END